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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,043	12/11/2003	Valerie M. Bennett	RSW920030296US1	8736
43168	7590	09/17/2008	EXAMINER	
MARCIA L. DOUBET LAW FIRM PO BOX 422859 KISSIMMEE, FL 34742				ABEL JALIL, NEVEEN
ART UNIT		PAPER NUMBER		
2165				
			NOTIFICATION DATE	
			DELIVERY MODE	
			09/17/2008	
			ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mld@mindspring.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/734,043	BENNETT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Neveen Abel-Jalil	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 June 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1 and 4 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 and 4 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>2/29/08 &amp; 7/10/08</u> .	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

**Remarks**

1. The amendment filed on June 4, 2008 has been received and entered. Claims 1 and 4 are now pending.
2. Applicant's amendment has overcome the previously presented specification objection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Thomson et al. (U.S. Patent No. 7,139,766 B 2).

As to claim 1, Thomson et al. discloses a computer-implemented method of programmatically building queries, comprising:

programmatically building a query user interface for building a query command to query a content of a Web page that lacks an already-existing query user interface, further comprising  
(See column 17, lines 12-35, wherein recitation such as "for building" is intended use and should be replaced with "to build", and wherein "programmatically" is interpreted from hereon in a

inherent software operation of a computer program, wherein “lacks existing interface” implies no data is available until the report is generated according to user’s query definition):

programmatically determining a current context of a user of a device on which the Web page is rendered (See column 6, lines 3-27), the current context comprising at least one of:

- an identification of the user;
- a role of the user;
- the device used by the user;
- a geographical location of the user; and

preferences of the user;

programmatically determining a plurality of content values specified in the Web page

(See column 11, lines 11-20);

programmatically determining, based on the specified content values, a plurality of content types corresponding thereto (See column 5, lines 1-15);

using the programmatically-determined current context and at least one of the programmatically-determined content types to consult a lookup component, thereby obtaining at least two query parameter names for displaying on the programmatically-built query user interface (See column 7, lines 1-19, wherein “thereby” and “for displaying” are both intended use recitations and should be replace with “which” and “to display”);

programmatically identifying, for each of the obtained query parameter names, at least one selectable query qualifier corresponding thereto, wherein each of the selectable query qualifiers indicates a particular comparison to be performed if subsequently qualifier usable in

selected ones of the content values to that query parameter name (See column 17, lines 12-35, wherein “if” is conditional phrase and should be replaced with “when”);

programmatically identifying, for each of the obtained query parameter names, at least one selectable parameter value usable corresponding thereto (See column 17, lines 35-45, wherein a query condition is built);

programmatically building a plurality of query parameters by associating, with each of the obtained query parameter names, each of the at least one programmatically identified selectable query qualifiers corresponding thereto and each of the at least one programmatically-identified selectable parameter values corresponding thereto (See column 7, lines 1-19); and

displaying on the query user interface, for each of the programmatically-built query parameters, the obtained query parameter name, a first selector for selecting one of the at least one query qualifiers associated therewith and a second selector for selecting least one of the at least one parameter values associated therewith (See column 13, lines 20-25, wherein “for selecting” is interpreted as intended use and it is suggest that it is replaced with “to select”); and accepting input from the user to build the query command to query the Web page, further comprising (See column 13, lines 28-35):

accepting, from the user for each of at of the displayed query parameter names, one of the associated query qualifiers selected by the user with the first selector and at least one of the associated parameter values selected by the user with the second selector; and programmatically building the query command to specify, for each of the displayed query parameter names, the selected query qualifier and each of the at least one selected parameter values (See column 26,

lines 5-30).

As to claim 4, Thomson et al. discloses further comprising:

programmatically identifying at least one query extension parameter for the query command, responsive to a request from the user using the programmatically-determined current context and at least one of the obtained query parameter names to consult a mapping, thereby obtaining a related query parameter name (See column 13, lines 20-25);

programmatically identifying at least one selectable query qualifier corresponding to the obtained related query parameter name, wherein each of the selectable query qualifiers indicates a particular comparison to be performed if subsequently comparing selected ones of the content values to the obtained related query parameter name (See column 13, lines 20-25, wherein “if” is conditional phrase and should be replaced with “when”);

programmatically identifying at least one selectable parameter value corresponding to the obtained related query parameter name (See column 18, lines 1-24, wherein “name” is in fact the source of the data); and

programmatically building the query extension parameter by associating, with the obtained related query parameter name, the programmatically-identified at least one selectable query qualifier corresponding thereto and each of the at least one programmatically-identified selectable parameter values corresponding thereto (See column 6, lines 44-67); and

wherein the displaying further comprises also displaying the programmatically-built query extension parameter for each of the at least one programmatically-identified query

extension parameters as additional ones of the programmatically-built query parameters (See column 6, lines 44-67).

***Response to Arguments***

5. Applicant's arguments filed on June 4, 2008 have been fully considered and although a new rejection has been presented some were not persuasive.

After considering applicant's remarks and reviewing the specification its unclear why the claimed "programmatically" will not fall under the plain meaning found in the art of nothing more than "processes automatically preformed by a computer". The Applicant failed to provide adequate reasoning why any of the computerized methods taught by Goldberg and Geller would not be able to offer an "programmed" interaction with the query building interface. Certainly a person of ordinary skill in the art would have found it to be obvious to create triggers, macros, or user defined scripts to perform otherwise user required functions see ***KSR v. Teleflex***, 550 U.S.1 \_\_\_\_ 27 S. Ct. 1727, 82 U.S.P.Q.2d 1385 (2007)

Thus the applicability of In re Venner is appropriate within the context of this application.

Applicant's claims still require the user's entry and selection of query filters as well as acceptance of the offered selection. Therefore analogous to the GUI provided by Goldberg.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. For complete list of cited relevant art, see PTO-form 892.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on 571-272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neveen Abel-Jalil  
Primary Examiner  
September 15, 2008

/Neveen Abel-Jalil/

Primary Examiner, Art Unit 2165